

By: Johnson

S.B. No. 538

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of certain persons by the Texas Commission on Law Enforcement and the hiring of those persons by political subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 370.007, Local Government Code, as added by Chapter 1049 (S.B. 252), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

Sec. 370.007. APPOINTING OR EMPLOYING CERTAIN LEGAL PERMANENT RESIDENTS [~~VETERANS~~] TO POSITION REQUIRING LICENSURE.

SECTION 2. Section 370.007(b), Local Government Code, as added by Chapter 1049 (S.B. 252), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

(b) Notwithstanding any other law, a political subdivision that appoints or employs a person to hold a position that requires the person to be licensed by the commission may appoint or employ a legal permanent resident of the United States to hold the position if the person:

(1) [is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and] holds the appropriate license issued by the commission; and

(2) submits an affidavit to the political subdivision in a form prescribed by the commission affirming the person's

1 intent to apply for United States citizenship not later than six
2 months after the date the person becomes eligible to do so.

3 SECTION 3. Section 1701.3095, Occupations Code, is amended
4 to read as follows:

5 Sec. 1701.3095. LICENSING OF [~~CERTAIN VETERANS WHO ARE~~]
6 LEGAL PERMANENT RESIDENTS. (a) The commission shall issue a
7 license the commission is authorized to issue to a person who is a
8 legal permanent resident of the United States if the person[+

9 [~~(1)~~] meets the requirements of this chapter and the
10 commission's rules for the license[+

11 [~~(2) is an honorably discharged veteran of the armed~~
12 ~~forces of the United States with at least two years of service~~
13 ~~before discharge, and~~

14 [~~(3) presents evidence satisfactory to the commission~~
15 ~~that the person has applied for United States citizenship]~~.

16 (b) The commission shall prescribe a form for a person who
17 is a legal permanent resident of the United States to affirm the
18 person's intent to apply for United States citizenship not later
19 than six months after the date the person becomes eligible to do so.

20 SECTION 4. Section 1701.451(a), Occupations Code, is
21 amended to read as follows:

22 (a) Before a law enforcement agency may hire a person
23 licensed under this chapter, the agency must, on a form and in the
24 manner prescribed by the commission:

25 (1) obtain the person's written consent for the agency
26 to review the information required to be reviewed under this
27 section;

1 (2) request from the commission and any other
2 applicable person information required to be reviewed under this
3 section; and

4 (3) submit to the commission confirmation that the
5 agency, to the best of the agency's ability before hiring the
6 person:

7 (A) contacted each entity or individual
8 necessary to obtain the information required to be reviewed under
9 this section; and

10 (B) except as provided by Subsection (b),
11 obtained and reviewed as related to the person, as applicable:

12 (i) personnel files, as described by
13 Section [1701.4535](#), and other employee records from each previous
14 law enforcement agency employer, including the employment
15 application submitted to the previous employer;

16 (ii) employment termination reports and
17 misconduct investigation reports maintained by the commission
18 under this subchapter;

19 (iii) service records maintained by the
20 commission;

21 (iv) proof that the person meets the
22 minimum qualifications for enrollment in a training program under
23 Section [1701.251\(a\)](#);

24 (v) a military veteran's United States
25 Department of Defense Form DD-214 or other military discharge
26 record;

27 (vi) criminal history record information;

1 (vii) information on pending warrants as
2 available through the Texas Crime Information Center and National
3 Crime Information Center;

4 (viii) evidence of financial
5 responsibility as required by Section 601.051, Transportation
6 Code;

7 (ix) a driving record from the Department
8 of Public Safety;

9 (x) proof of United States citizenship or,
10 if the person is a legal permanent resident [~~an honorably~~
11 ~~discharged veteran of the armed forces~~] of the United States [~~with~~
12 ~~at least two years of service before discharge~~], proof of legal
13 permanent residence and an affidavit affirming the person's intent
14 to apply for United States citizenship not later than six months
15 after the date the person becomes eligible to do so [~~proof that the~~
16 ~~person has applied for United States citizenship~~];

17 (xi) information on the person's background
18 from at least three personal references and at least two
19 professional references; and

20 (xii) information on the person's law
21 enforcement background as available through a database designated
22 by the commission under Section 1701.169 and, if applicable, a file
23 or record obtained by the commission under Section 1701.3035.

24 SECTION 5. Not later than December 1, 2025, the Texas
25 Commission on Law Enforcement shall amend rules as necessary to
26 comply with Sections 1701.3095 and 1701.451, Occupations Code, as
27 amended by this Act.

1 SECTION 6. Section [1701.451](#), Occupations Code, as amended
2 by this Act, applies only to the hiring of a person by a law
3 enforcement agency that occurs on or after December 1, 2025. The
4 hiring of a person by a law enforcement agency that occurs before
5 that date is governed by the law in effect immediately before the
6 effective date of this Act, and the former law is continued in
7 effect for that purpose.

8 SECTION 7. This Act takes effect September 1, 2025.